

REMARKS

This is intended as a full and complete response to the Office Action dated June 17, 2004, having a shortened statutory period for response set to expire on September 17, 2004. The present Office Action dated June 17, 2004 is responsive to Applicant's previous communication "Second Response to Final Office Action Dated February 6, 2004" filed on May 19, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-23 and 25 were cancelled by Applicant in a first response to final rejection mailed April 20, 2004, and the amendments were entered by the Examiner upon filing the Notice of Appeal. New claims 26 through 34 have been added. Applicant believes that claims 26-34 are fully supported by the specification and do not introduce new matter.

Claim 24 stands rejected under 35 USC § 103(a) as being unpatentable over *Talieh et al.* (US Patent No. 6,497,800 B1) in combination with *Collins* (US Patent No. 6,723,219 B2). Applicant respectfully traverses the rejection on grounds that *Collins* (US Patent No. 6,723,219 B2) is not prior art to the present application. To the extent reference *Collins* (US Patent No. 6,723,219 B2) includes subject matter relied on by the Examiner in the rejection of pending claim 24, the present application shows possession by Applicant of the same subject matter prior to August 27, 2001, the filing date of *Collins*, as established by the accompanying 37 C.F.R. §1.131 Declaration of Teresa M. O'Connor. The declaration refers to Applicants final draft of the present patent application sent to the Assignee of record for filing prior to August 27, 2001, which supports the assertion that the subject matter relied on by the Examiner was possessed by Applicant prior to August 27, 2001, the earliest date available to *Collins*. Therefore, *Collins* (US Patent No. 6,723,219 B2) cannot be properly used as a reference to teach, show or suggest claimed aspects of the invention. Withdrawal of the rejection is respectfully requested.



PATENT

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Having addressed all remaining issues set out in the Office Action, Applicant respectfully submits that claim 24 is in condition for allowance and respectfully requests that claim 24 and dependent claims 26-34 be allowed.

Respectfully submitted,

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